

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

SANDRA LOYOLA

**PLAINTIFF,**

V.

**WALMART, INC., Individually and/  
or d/b/a WALMART  
SUPERCENTER #4503, WAL-MART  
STORES TEXAS, LLC, Individually  
and/or d/b/a WALMART  
SUPERCENTER #4503, WAL-MART  
REALTY COMPANY, Individually  
and/or d/b/a WALMART  
SUPERCENTER #4503, WAL-MART  
ASSOCIATES, INC., Individually  
and/or d/b/a WALMART  
SUPERCENTER #4503 , WALMART  
REAL ESTATE BUSINESS  
TRUST, Individually and/or d/b/a  
WALMART SUPERCENTER #4503  
and EDWARD TAFOYA,  
DEFENDANTS.**

**CIVIL ACTION NO.** \_\_\_\_\_

## **INDEX OF STATE COURT PLEADINGS AND FILING DATES**

<b>TAB</b>	<b>DOCUMENT</b>	<b>DATE</b>
1.	State Court Docket Sheet of the 95 <sup>th</sup> Judicial District, Dallas, County Texas for Cause No. DC-22-06210	08/04/2022
2.	Plaintiff's Original Petition	06/09/2022
3.	Citation Issued for Wal-Mart Stores Texas, LLC Individually and/or d/b/a Walmart Supercenter #4530	06/23/2022
4.	Citation Issued for Wal-Mart Real Estate Business Trust Individually and/or d/b/a Walmart Supercenter #4530	06/23/2022
5.	Citation Issued for Walmart Inc. Individually and/or d/b/a Walmart Supercenter #4530	06/23/2022
6.	Citation Issued for Edward Tafoya	06/23/2022

7.	Citation Issued Walmart Associates Inc., Individually and/or d/b/a Walmart Supercenter #4530	06/23/2022
8.	Citation Issued Walmart Realty Company, Individually and/or d/b/a Walmart Supercenter #4530	06/23/2022
9.	Executed Citation Walmart Associates Inc., Individually and/or d/b/a Walmart Supercenter #4530	07/11/2022
10.	Executed Citation Walmart Realty Company, Individually and/or d/b/a Walmart Supercenter #4530	07/11/2022
11.	Executed Citation Wal-Mart Stores Texas, LLC Individually and/or d/b/a Walmart Supercenter #4530	07/11/2022
12.	Executed Citation Walmart Inc. Individually and/or d/b/a Walmart Supercenter #4530	07/11/2022
13.	Executed Citation Wal-Mart Real Estate Business Trust Individually and/or d/b/a Walmart Supercenter #4530	07/11/2022
14.	Wal-Mart's Original Answer	08/02/2022
15.	Demand for Jury	08/02/2022

**TAB NO. 1**

## Case Information

DC-22-06210 | SANDRA LOYOLA vs. WALMART, INC., et al

Case Number	Court	Judicial Officer
DC-22-06210	95th District Court	PURDY, MONICA
File Date	Case Type	Case Status
06/09/2022	OTHER PERSONAL INJURY	OPEN

## Party

PLAINTIFF  
LOYOLA, SANDRA

Address  
1925 E. BELT LINE ROAD  
SUITE 420  
CARROLLTON TX 75006

Active Attorneys ▾  
Lead Attorney  
RIVEROS, GABRIEL A  
Retained

DEFENDANT  
WALMART, INC.

Aliases  
DBA WALMART SUPERCENTER #4503  
Address  
REG AGENT CT CORPORATION SYSTEM, 1999 BRYAN ST.  
STE. 900  
DALLAS TX 75201

Active Attorneys ▾  
Lead Attorney  
KURITZKES, JAMES N  
Retained

DEFENDANT  
WAL-MART STORES TEXAS, LLC

Aliases  
DBA WALMART SUPERCENTER 4503  
Address

Active Attorneys ▾  
Lead Attorney  
KURITZKES, JAMES N  
Retained

Inactive Attorneys ▾

REG AGENT CT CORPORATION SYSTEM, 1999 BRYAN ST.  
STE. 900  
DALLAS TX 75201

Attorney  
DAVIS, DEREK S.  
Retained

Work Phone  
214-712-9500

Fax Phone  
214-712-9540

---

DEFENDANT  
WAL-MART REALTY COMPANY

Active Attorneys ▾  
Lead Attorney  
KURITZKES, JAMES N  
Retained

Aliases  
DBA WALMART SUPERCENTER # 4503  
Address  
REG AGENT CT CORPORATION SYSTEM, 1999 BRYAN ST.  
STE. 900  
DALLAS TX 75201

---

DEFENDANT  
WAL-MART ASSOCIATES, INC.

Active Attorneys ▾  
Lead Attorney  
KURITZKES, JAMES N  
Retained

Aliases  
DBA WALMART SUPERCENTER #4503  
Address  
REG AGENT CT CORPORATION SYSTEM, 1999 BRYAN ST  
STE. 900  
DALLAS TX 75201

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DEFENDANT  
WAL-MART REAL ESTATE BUSINESS TRUST

Active Attorneys ▾  
Lead Attorney  
KURITZKES, JAMES N  
Retained

Aliases  
DBA WALMART SUPERCENTER #4503  
Address  
REG AGENT CT CORPORATION SYSTEM, 1999 BRYAN ST  
STE. 900  
DALLAS TX 75201

---

DEFENDANT  
TAFOYA, EDWARD

Active Attorneys ▾  
Lead Attorney  
KURITZKES, JAMES N  
Retained

Address  
2650 S. STATE HIGHWAY 161  
GRAND PRAIRIE TX 75052

## Events and Hearings

06/09/2022 NEW CASE FILED (OCA) - CIVIL

06/09/2022 ORIGINAL PETITION ▾

ORIGINAL PETITION

06/09/2022 ISSUE CITATION ▾

ISSUE CITATION-WALMART STORES TEXAS LLC

ISSUE CITATION-WALMART REAL

ISSUE CITATION-WALMART INC

ISSUE CITATION-EDWARD TAFOYA

ISSUE CITATION- WALMART ASSOCIATE INC

ISSUE CITATION-WALMART REALTY

06/23/2022 CITATION ▾

Unserved

Anticipated Server  
ESERVE

Anticipated Method  
Comment  
EDWARD TAFOYA

06/23/2022 CITATION ▾

Served  
07/05/2022

Anticipated Server  
ESERVE

Anticipated Method  
Actual Server  
PRIVATE PROCESS SERVER

Returned  
07/11/2022  
Comment  
WAL- MART ASSOCIATES INC

06/23/2022 CITATION▼

Served

07/05/2022

Anticipated Server

ESERVE

Anticipated Method

Actual Server

PRIVATE PROCESS SERVER

Returned

07/11/2022

Comment

WAL- MART REAL ESTATE BUSINESS TRUST

06/23/2022 CITATION▼

Served

07/05/2022

Anticipated Server

ESERVE

Anticipated Method

Actual Server

PRIVATE PROCESS SERVER

Returned

07/11/2022

Comment

WAL- MART REALTY COMPANY

06/23/2022 CITATION▼

Served

07/05/2022

Anticipated Server

ESERVE

Anticipated Method

Actual Server

PRIVATE PROCESS SERVER

Returned

07/11/2022

Comment

WAL- MART STORES TEXAS LLC

06/23/2022 CITATION▼

Served

07/05/2022

Anticipated Server

ESERVE

Anticipated Method

Actual Server

**PRIVATE PROCESS SERVER**

Returned

07/11/2022

Comment

**WAL-MART INC**

07/11/2022 RETURN OF SERVICE ▾

EXECUTED CITATION - WALMART ASSOCIATES INC

Comment

**EXECUTED CITATION - WALMART ASSOCIATES INC**

07/11/2022 RETURN OF SERVICE ▾

EXECUTED CITATION - WALMART REALTY COMPANY

Comment

**EXECUTED CITATION - WALMART REALTY COMPANY**

07/11/2022 RETURN OF SERVICE ▾

EXECUTED CITATION - WAL-MART STORES TEXAS LLC

Comment

**EXECUTED CITATION - WAL-MART STORES TEXAS LLC**

07/11/2022 RETURN OF SERVICE ▾

EXECUTED CITATION - WALMART INC

Comment

**EXECUTED CITATION - WALMART INC**

07/11/2022 RETURN OF SERVICE ▾

EXECUTED CITATION - WAL-MART REAL ESTATE BUSINESS TRUST

Comment

**EXECUTED CITATION - WAL-MART REAL ESTATE BUSINESS TRUST**

08/02/2022 JURY DEMAND ▾

DEF/ FILING JURY DEMAND

08/02/2022 ORIGINAL ANSWER - GENERAL DENIAL ▾

DEF'S(WALMART)

## Financial

LOYOLA, SANDRA

Total Financial Assessment	\$398.00
Total Payments and Credits	\$398.00

6/14/2022 Transaction Assessment	\$398.00
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6/14/2022 CREDIT CARD - TEXFILE (DC)	Receipt # 35538-2022- DCLK	LOYOLA, SANDRA	(\$261.00)
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6/14/2022 STATE CREDIT	(\$137.00)
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WAL-MART STORES TEXAS, LLC

Total Financial Assessment	\$10.00
Total Payments and Credits	\$10.00

8/2/2022 Transaction Assessment	\$10.00
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8/2/2022 CREDIT CARD - TEXFILE (DC)	Receipt # 46851- 2022-DCLK	WAL-MART STORES TEXAS, LLC	(\$10.00)
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## Documents

ORIGINAL PETITION

ISSUE CITATION-WALMART STORES TEXAS LLC

ISSUE CITATION-WALMART REAL

ISSUE CITATION-WALMART INC

ISSUE CITATION-EDWARD TAFOYA

ISSUE CITATION- WALMART ASSOCIATE INC

ISSUE CITATION-WALMART REALTY

EXECUTED CITATION - WALMART ASSOCIATES INC

EXECUTED CITATION - WALMART REALTY COMPANY

EXECUTED CITATION - WAL-MART STORES TEXAS LLC

EXECUTED CITATION - WALMART INC

EXECUTED CITATION - WAL-MART REAL ESTATE BUSINESS TRUST

DEF/ FILING JURY DEMAND

DEF'S(WALMART)

**TAB NO. 2**

DC-22-06210

**CAUSE NO.**

SANDRA LOYOLA

**Plaintiff,**

V.

**WALMART, INC., Individually and/or d/b/a WALMART SUPERCENTER #4503, WAL-MART STORES TEXAS, LLC, Individually and/or d/b/a WALMART SUPERCENTER #4503, WAL-MART REALTY COMPANY, Individually and/or d/b/a WALMART SUPERCENTER #4503, WAL-MART ASSOCIATES, INC., Individually and/or d/b/a WALMART SUPERCENTER #4503, WAL-MART REAL ESTATE BUSINESS TRUST, Individually and/or d/b/a WALMART SUPERCENTER #4503 and EDWARD TAFOYA,**

## **Defendants.**

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**IN THE DISTRICT COURT**

95th

## JUDICIAL DISTRICT

## DALLAS COUNTY, TEXAS

## **PLAINTIFF'S ORIGINAL PETITION**

**TO THE HONORABLE JUDGE OF SAID COURT:**

**COMES NOW**, Plaintiff and for cause of action would show the Court as follows:

## **1. DISCOVERY CONTROL PLAN**

1.01 Plaintiff intends for this lawsuit to be controlled by Discovery Control Plan, Level 3, Texas Rules of Civil Procedure.

**2. PARTIES**

2.01 Plaintiff is a resident of Texas. The last three digits of her social security are 148 and the last three digits of her Texas driver's license are 331.

2.02 Defendant WALMART, INC., Individually and/or D/B/A WALMART SUPERCENTER #4503 is a foreign corporation which at all times conducted business in the State of Texas and is subject to jurisdiction in Texas as it has committed a tort in Texas. Said Defendant may be served via private process server, through its registered agent for service as follows: CT Corporation System, 1999 Bryan St., Ste. 900, Dallas, Texas 75201. **Issuance of citation is requested at this time.**

2.03 Defendant WAL-MART STORES TEXAS, LLC, Individually and/or D/B/A WALMART SUPERCENTER #4503 is a foreign for-profit Limited Liability Company authorized to conduct business in the State of Texas and is subject to jurisdiction in Texas as it has committed a tort in Texas. Said Defendant may be served via private process server, through its registered agent for service as follows: CT Corporation System, 1999 Bryan St., Ste. 900, Dallas, Texas 75201.

**Issuance of citation is requested at this time.**

2.04 Defendant WAL-MART REALTY COMPANY, Individually and/or D/B/A WALMART SUPERCENTER #4503 is a foreign corporation which at all times conducted business in the State of Texas and is subject to jurisdiction in Texas as it has committed a tort in Texas. Said Defendant may be served via private process server, through its registered agent for service as follows: CT Corporation System, 1999 Bryan St., Ste. 900, Dallas, Texas 75201. **Issuance of citation is requested at this time.**

2.05 Defendant WAL-MART ASSOCIATES, INC., Individually and/or D/B/A WALMART SUPERCENTER #4503 is a foreign corporation which at all times conducted business in the State of Texas and is subject to jurisdiction in Texas as it has committed a tort in Texas. Said Defendant may be served via private process server, through its registered agent for service as follows: CT Corporation System, 1999 Bryan St., Ste. 900, Dallas, Texas 75201. **Issuance of citation is requested at this time.**

2.06 Defendant WAL-MART REAL ESTATE BUSINESS TRUST, Individually and/or D/B/A WALMART SUPERCENTER #4503 is a foreign corporation which at all times conducted business in the State of Texas and is subject to jurisdiction in Texas as it has committed a tort in Texas. Said Defendant may be served via private process server, through its registered agent for service as follows: CT Corporation System, 1999 Bryan St., Ste. 900, Dallas, Texas 75201.

**Issuance of citation is requested at this time.**

2.07 Defendant EDWARD TAFOYA, is an individual who is a resident of Texas. He may be served via private process server at his place of business: Walmart Supercenter #4503, 2650 S. State Highway 161, Grand Prairie, TX 75052. **Issuance of citation is requested at this time.**

### **3. VENUE AND JURISDICTION**

3.01 Venue is proper in Dallas County, Texas, pursuant to §15.002 *et. seq.* of the ***Texas Civil Practices & Remedies Code*** in that the collision made the basis of this lawsuit occurred in Dallas County. This Court has jurisdiction over this lawsuit as the amounts sought herein are within the jurisdictional limits of this Court. While the amount of damages to be awarded will be the

decision made by a jury of Plaintiff's peers, to comply with T.R.C.P. 47, as revised, Plaintiff states that damages sought are pursuant to Rule 47(c)(4). Plaintiff seeks monetary relief over \$1,000,000 and a judgment for all the other relief to which Plaintiff may be entitled.

### **BACKGROUND FACTS**

4.01 On JUNE 10, 2020, Plaintiff was lawfully on the premises of the Walmart Supercenter #4503 located at 2650 S. State Highway 161, Grand Prairie, TX 75052 as a customer and/or invitee when on said premises she stepped upon a wet/slippery and/or otherwise unsafe/improperly maintained floor and fell. As a result of Defendants' negligent acts, including but not limited to, its failure to maintain safe floor provided to customers on the premises in a safe condition; to adequately warn the public of the unsafe condition existing on the premises; and negligently maintaining the subject premises floor, and as stated herein below, Plaintiff sustained serious, debilitating and long-term/life long catastrophic injuries.

4.02 At all relevant times, Plaintiff was free from any contributory negligence.

4.03 Because Defendants were in exclusive control over the premises at the time of this injury, Plaintiff relies on the doctrine of res ipsa loquitur in that Plaintiff will show that the character of the occurrence giving rise to this litigation is such that it would not have happened in the absence of negligence, and that the maintenance and safety of the facility was within the exclusive control of the Defendants at the time of the negligence occurred.

**5. CAUSES OF ACTION**

**COUNT I: NEGLIGENCE OF DEFENDANTS**

5.01 Defendants' had a duty to exercise the degree of care that a reasonably careful business would use to avoid harm to others under circumstances similar to those described herein. Plaintiffs injuries were proximately caused by Defendants' negligent, careless, and reckless disregard of said duty. The negligent, careless, and reckless disregard of Defendants' conduct consisted of, but is not limited to, the following acts and omissions:

- A. Defendants failed to keep a proper lookout for Plaintiff's safety that would have been maintained by a business exercising ordinary prudence under the same similar circumstances;
- B. Defendants failed to maintain the flooring, in a condition as a business exercising ordinary prudent under the same or similar circumstances would have;
- C. Defendants failed to instruct its employees to warn the public of a wet/slipper and/or unsafe flooring area in a way that a business exercising ordinary prudent care would have done;
- D. Defendants failed to post signs warning of the unreasonable danger as a business exercising ordinary prudent care would have done under the same or similar circumstances;
- E. Defendants failed to hire and train its employees and/or contractors regarding proper safety protocols when causing a dangerous condition on the premises, as a business exercising ordinary prudent under the same or similar circumstances would have;
- F. Defendants failed to instruct its employees and/or contractors to properly warn patrons of the potential danger, as a business exercising ordinary prudent under

the same or similar circumstances would have; and

- G. Defendants failed to monitor and supervise its employees and/or contractors to properly maintain the flooring as a business exercising ordinary care would have done.

5.02 Each of the foregoing acts and omissions, singularly or in combination with others, constitute negligence which proximately caused Plaintiff's damages alleged herein.

**COUNT II: PREMISES LIABILITY**

5.03 Defendants owned, operated, managed or were in control of the property in question. Defendants knew or should have known that Plaintiff, or someone similarly situated to the Plaintiff, would be a licensee or invitee on the premises, and as such, had a duty to the Plaintiff. Defendants breached their duty by failing to refrain from injuring Plaintiff willfully, wantonly or through gross negligence; Defendants breached their duty by allowing an unsafe condition to exist that, through the exercise of ordinary care, was known or should have been known; Defendants breached their duty by failing to warn Plaintiff of an unsafe condition existing on their property; Defendants breached their duty by failing to properly maintain the floors on the premises; Defendants breached their duty by failing to keep the premises reasonably safe; Defendants breached their duty by failing to exercise ordinary care; Defendants breached their duty by failing to inspect the flooring provided to customers on the premises to discover latent defects; Defendants breached their duty by failing to reduce or eliminate and unreasonable risk of harm on the premises; and as a result Plaintiff was caused to encounter an unreasonable risk of harm/injury and proximately caused to sustain injuries to her body as alleged herein.

5.04 Each of the foregoing acts and omissions, singularly or in combination with others, constitute negligence which proximately caused Plaintiff's damages alleged herein.

**COUNT III: NEGLIGENT HIRING, TRAINING AND/OR SUPERVISION**

5.05 Defendants' had a duty to exercise the degree of care that a reasonably careful business would use to avoid harm to others under circumstances similar to those described herein. Defendants had a legal duty to hire, train and supervise competent employees and/or contractors and agents. Defendants breached that duty when defendant negligently hired, trained and supervised employees and/or contractors who were responsible for servicing and maintaining the equipment in question causing Plaintiff to fall. Plaintiffs injuries were proximately caused by Defendants' negligent, careless, and reckless disregard of said duty.

5.06 Each of the foregoing acts and omissions, singularly or in combination with others, constitute negligence which proximately caused Plaintiff's damages alleged herein.

**COUNT IV: GROSS NEGLIGENCE**

5.07 Defendants' acts and/or omissions as described above were such an entire want of care that said acts and/or omissions were the result of actual conscious indifference to the rights, safety, and/or welfare of Plaintiff.

**6. DAMAGES**

6.01 As a proximate cause of the negligence of Defendants, as alleged above, Plaintiff suffered bodily injuries. Plaintiff seeks to recover the following damages:

- a. Physical pain and suffering in the past;
- b. Physical pain and suffering in the future;

- c. Mental anguish in the past;
- d. Mental anguish in the future;
- e. Physical impairment in the past;
- f. Physical impairment in the future;
- g. Reasonable and necessary medical care and expenses in the past; and
- h. Reasonable and necessary medical care and expenses in the future;
- i. Lost income and/or diminished earning capacity in the past;
- j. Lost income and/or diminished earning capacity in the future.

6.02 Accordingly, Plaintiff seeks recovery for these actual damages as described above against Defendant for an amount in excess of the minimum jurisdictional limits of this Court.

**7. INTEREST**

7.01 Plaintiff seeks to recover both pre- and post-judgment interest at the highest rates allowed by law.

**8. REQUEST FOR JURY TRIAL**

8.01 Pursuant to Rule 216, TEXAS RULES OF CIVIL PROCEDURE, Plaintiff requests a trial by jury.

**9. NOTICE OF INTENT**

9.01 Plaintiff hereby gives notice of intent to utilize any and all items produced in discovery in the trial of this matter and the authenticity of such items is self-proven per the Texas Rules of Civil Procedure 193.7.

**10. PRAYER**

10.01 Plaintiff prays that Defendants be cited to appear and answer herein, and that upon final determination of these causes of action, Plaintiff receive judgment against Defendants, jointly and/or severally, awarding Plaintiff as follows:

- a. Actual damages alleged herein, in an amount in excess of the minimal jurisdictional limits of this Court;
- b. Pre-judgment interest as provided by law;
- c. Post-judgment interest as provided by law;
- d. Costs of court; and
- e. Such other and further relief, at law or in equity, to which Plaintiff may show to be justly entitled.

Respectfully submitted,

**THE RIVEROS LAW FIRM, PLLC**



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**GABRIEL A. RIVEROS**  
State Bar No.: 24068864  
1925 E. Belt Line Road, Suite 420  
Carrollton, TX 75006  
Ph. 214-385-6607  
Fax 214-593-3628  
ATTORNEY FOR PLAINTIFF  
[gabriel@riveroslawfirm.com](mailto:gabriel@riveroslawfirm.com)

**TAB NO. 3**

To: WAL-MART STORES TEXAS, LLC INDIVIDUALLY AND /OR D/B/A  
**WALMART SUPERCENTER# 4530**  
 BY SERVING ITS REGISTERED AGENT CT CORPORATION SYSTEM  
 1999 BRYAN STREET, STE 900  
 DALLAS TX 75201

No.: DC-22-06210

SANDRA LOYOLA  
vs.  
WALMART, INC., et al

**ISSUED**

on this the 23rd day of June, 2022

**FELICIA PITRE**  
 Clerk District Courts,  
 Dallas County, Texas

By: GAY LANE, Deputy

Attorney for Plaintiff  
**GABRIEL A RIVEROS**  
 THE RIVEROS LAW FIRM PLLC  
 1925 E BELT LINE RD  
 STE 420  
 CARROLTON TX 75006  
 214-385-6607  
 gabriel@riveroslawfirm.com

**DALLAS COUNTY  
 SERVICE FEES  
 NOT PAID**

**WALMART, INC. INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER #4530 ; WAL-MART STORES TEXAS, LLC INDIVIDUALLY AND /OR D/B/A WALMART SUPERCENTER# 4530; WAL-MART REALTY COMPANY INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER# 4530; WAL-MART ASSOCIATES, INC INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER# 4530.; WAL-MART REAL ESTATE BUSINESS TRUST INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER# 4530; EDWARD TAFOYA**

For Suit, said suit being numbered DC-22-06210, the nature of which demand is as follows:  
 Suit on **OTHER PERSONAL INJURY** etc. as shown on said petition, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.  
 Given under my hand and the Seal of said Court at office **on this the 23rd day of June, 2022**

ATTEST: FELICIA PITRE,  
 Clerk of the District Courts of Dallas County, Texas

By *Gay Lane*, Deputy  
**GAY LANE**



**OFFICER'S RETURN**

Cause No. DC-22-06210

Court No.: 95th District Court

Style: SANDRA LOYOLA

vs.

WALMART, INC., et al

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_.M.  
Executed at \_\_\_\_\_, within the County of \_\_\_\_\_ at \_\_\_\_\_  
\_\_\_\_\_ o'clock \_\_\_\_\_.M. on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_,  
by \_\_\_\_\_ delivering to \_\_\_\_\_ the \_\_\_\_\_ within \_\_\_\_\_ named  
\_\_\_\_\_

each, in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by me in serving such process was \_\_\_\_\_ miles and my fees are as follows: To certify which witness my hand.

For serving Citation \$ \_\_\_\_\_

For mileage \$ \_\_\_\_\_ of \_\_\_\_\_ County, \_\_\_\_\_

For Notary \$ \_\_\_\_\_ By \_\_\_\_\_ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said \_\_\_\_\_ before me this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_\_, to certify which witness my hand and seal of office.

Notary Public \_\_\_\_\_ County \_\_\_\_\_

# **TAB NO. 4**

To: WAL-MART REAL ESTATE BUSINESS TRUST INDIVIDUALLY AND /OR  
D/B/A WALMART SUPERCENTER# 4530  
BY SERVING ITS REGISTERED AGENT CT CORPORATION SYSTEM  
1999 BRYAN STREET, STE 900  
DALLAS TX 75201

## GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org. Your answer should be addressed to the clerk of the **95th District Court** at 600 Commerce Street, Dallas, Texas 75202.

Said Plaintiff being **SANDRA LOYOLA**

Filed in said Court **9th day of June, 2022** against

**WALMART, INC. INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER #4530 ; WAL-MART STORES TEXAS, LLC INDIVIDUALLY AND /OR D/B/A WALMART SUPERCENTER# 4530; WAL-MART REALTY COMPANY INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER# 4530; WAL-MART ASSOCIATES, INC INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER# 4530.; WAL-MART REAL ESTATE BUSINESS TRUST INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER# 4530; EDWARD TAFOYA**

For Suit, said suit being numbered **DC-22-06210**, the nature of which demand is as follows:  
Suit on **OTHER PERSONAL INJURY** etc. as shown on said petition, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.  
Given under my hand and the Seal of said Court at office **on this the 23rd day of June, 2022**

ATTEST: FELICIA PITRE,  
Clerk of the District Courts of Dallas County, Texas

By Gay Lane, Deputy  
**GAY LANE**

No.: **DC-22-06210**

**SANDRA LOYOLA**  
vs.  
**WALMART, INC., et al**

**ISSUED**  
on this the **23rd day of June, 2022**

**FELICIA PITRE**  
Clerk District Courts,  
Dallas County, Texas

By: **GAY LANE**, Deputy

Attorney for Plaintiff  
**GABRIEL A RIVEROS**  
THE RIVEROS LAW FIRM PLLC  
1925 E BELT LINE RD  
STE 420  
CARROLTON TX 75006  
214-385-6607

**gabriel@riveroslawfirm.com**  
**DALLAS COUNTY**  
**SERVICE FEES**  
**NOT PAID**



**OFFICER'S RETURN**

Cause No. DC-22-06210

Court No.: 95th District Court

Style: SANDRA LOYOLA

vs.

WALMART, INC., et al

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_.M.  
Executed at \_\_\_\_\_, within the County of \_\_\_\_\_ at \_\_\_\_\_  
\_\_\_\_\_ o'clock \_\_\_\_\_.M. on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_,  
by \_\_\_\_\_ delivering to \_\_\_\_\_ the \_\_\_\_\_ within \_\_\_\_\_ named  
\_\_\_\_\_

each, in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by me in serving such process was \_\_\_\_\_ miles and my fees are as follows: To certify which witness my hand.

For serving Citation \$ \_\_\_\_\_

For mileage \$ \_\_\_\_\_ of \_\_\_\_\_ County, \_\_\_\_\_

For Notary \$ \_\_\_\_\_ By \_\_\_\_\_ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said \_\_\_\_\_ before me this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_\_, to certify which witness my hand and seal of office.

Notary Public \_\_\_\_\_ County \_\_\_\_\_

**TAB NO. 5**

To: **WALMART INC. INDIVIDUALLY AND / OR D/B/A WALMART SUPERCENTER #4530  
BY SERVING ITS REGISTERED AGENT CT CORPORATION SYSTEM  
1999 BRYAN STREET, STE 900  
DALLAS TX 75201**

No.: **DC-22-06210**

## GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org. Your answer should be addressed to the clerk of the **95th District Court** at 600 Commerce Street, Dallas, Texas 75202.

**SANDRA LOYOLA**  
vs.  
**WALMART, INC., et al**

**ISSUED**

on this the 23rd day of June, 2022

**FELICIA PITRE**  
Clerk District Courts,  
Dallas County, Texas

By: **GAY LANE**, Deputy

Said Plaintiff being **SANDRA LOYOLA**

Filed in said Court **9th day of June, 2022** against

**WALMART, INC. INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER #4530 ; WAL-MART STORES TEXAS, LLC INDIVIDUALLY AND/OR D/B/A WALMART SUPERCENTER# 4530; WAL-MART REALTY COMPANY INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER# 4530; WAL-MART ASSOCIATES, INC INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER# 4530.; WAL-MART REAL ESTATE BUSINESS TRUST INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER# 4530; EDWARD TAFOYA**

For Suit, said suit being numbered **DC-22-06210**, the nature of which demand is as follows:  
Suit on **OTHER PERSONAL INJURY** etc. as shown on said petition, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

Attorney for Plaintiff  
**GABRIEL A RIVEROS**  
THE RIVEROS LAW FIRM PLLC  
1925 E BELT LINE RD  
STE 420  
CARROLTON TX 75006  
214-385-6607  
gabriel@riveroslawfirm.com  
**DALLAS COUNTY  
SERVICE FEES  
NOT PAID**

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.  
Given under my hand and the Seal of said Court at office **on this the 23rd day of June, 2022**

ATTEST: FELICIA PITRE,  
Clerk of the District Courts of Dallas County, Texas

By *Gay Lane*, Deputy  
**GAY LANE**



**OFFICER'S RETURN**

Cause No. DC-22-06210

Court No.: 95th District Court

Style: SANDRA LOYOLA

vs.

WALMART, INC., et al

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_.M.  
Executed at \_\_\_\_\_, within the County of \_\_\_\_\_ at \_\_\_\_\_  
\_\_\_\_\_ o'clock \_\_\_\_\_.M. on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_,  
by \_\_\_\_\_ delivering to \_\_\_\_\_ the \_\_\_\_\_ within \_\_\_\_\_ named  
\_\_\_\_\_

each, in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by me in serving such process was \_\_\_\_\_ miles and my fees are as follows: To certify which witness my hand.

For serving Citation \$ \_\_\_\_\_

For mileage \$ \_\_\_\_\_ of \_\_\_\_\_ County, \_\_\_\_\_

For Notary \$ \_\_\_\_\_ By \_\_\_\_\_ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said \_\_\_\_\_ before me this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_\_, to certify which witness my hand and seal of office.

Notary Public \_\_\_\_\_ County \_\_\_\_\_

**TAB NO. 6**

FORM NO. 353-3—CITATION  
THE STATE OF TEXAS

Case 3:22-cv-01698-L

Document 1-3 Filed 08/04/22 Page 31 of 72 PageID 42

ESERVE  
**CITATION**

To: EDWARD TAFOYA  
2650 S STATE HIGHWAY 161  
GRAND PRAIRIE TX 75052

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org. Your answer should be addressed to the clerk of the **95th District Court** at 600 Commerce Street, Dallas, Texas 75202.

Said Plaintiff being **SANDRA LOYOLA**

Filed in said Court **9th day of June, 2022** against

**WALMART, INC. INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER# 4530 ; WAL-MART STORES TEXAS, LLC INDIVIDUALLY AND /OR D/B/A WALMART SUPERCENTER# 4530; WAL-MART REALTY COMPANY INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER# 4530; WAL-MART ASSOCIATES, INC INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER# 4530.; WAL-MART REAL ESTATE BUSINESS TRUST INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER# 4530; EDWARD TAFOYA**

For Suit, said suit being numbered **DC-22-06210**, the nature of which demand is as follows:  
Suit on **OTHER PERSONAL INJURY** etc. as shown on said petition, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.  
Given under my hand and the Seal of said Court at office **on this the 23rd day of June, 2022**

ATTEST: FELICIA PITRE,  
Clerk of the District Courts of Dallas County, Texas

By *[Signature]*, Deputy  
**GAY LANE**



No.: **DC-22-06210**

**SANDRA LOYOLA**  
vs.  
**WALMART, INC., et al**

**ISSUED**  
on this the 23rd day of June, 2022

**FELICIA PITRE**  
Clerk District Courts,  
Dallas County, Texas

By: **GAY LANE**, Deputy

Attorney for Plaintiff  
**GABRIEL A RIVEROS**  
THE RIVEROS LAW FIRM PLLC  
1925 E BELT LINE RD  
STE 420  
CARROLTON TX 75006

214-385-6607  
gabriel@riveroslawfirm.com  
**DALLAS COUNTY**  
**SERVICE FEES**  
**NOT PAID**

**OFFICER'S RETURN**

Cause No. DC-22-06210

Court No.: 95th District Court

Style: SANDRA LOYOLA

vs.

WALMART, INC., et al

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_.M.  
Executed at \_\_\_\_\_, within the County of \_\_\_\_\_ at \_\_\_\_\_  
\_\_\_\_\_ o'clock \_\_\_\_\_.M. on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_,  
by \_\_\_\_\_ delivering to \_\_\_\_\_ the \_\_\_\_\_ within \_\_\_\_\_ named  
\_\_\_\_\_

each, in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by me in serving such process was \_\_\_\_\_ miles and my fees are as follows: To certify which witness my hand.

For serving Citation \$ \_\_\_\_\_

For mileage \$ \_\_\_\_\_ of \_\_\_\_\_ County, \_\_\_\_\_

For Notary \$ \_\_\_\_\_ By \_\_\_\_\_ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said \_\_\_\_\_ before me this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_\_, to certify which witness my hand and seal of office.

Notary Public \_\_\_\_\_ County \_\_\_\_\_

**TAB NO. 7**

To: **WALMART ASSOCIATES INC, INDIVIDUALLY  
AND / OR D/B/A WALMART SUPERCENTER #4530  
BY SERVING ITS REGISTERED AGENT CT CORPORATION SYSTEM  
1999 BRYAN STREET, STE 900  
DALLAS TX 75201**

No.: **DC-22-06210**

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org. Your answer should be addressed to the clerk of the **95th District Court** at 600 Commerce Street, Dallas, Texas 75202.

Said Plaintiff being **SANDRA LOYOLA**

Filed in said Court **9th day of June, 2022** against

**WALMART, INC. INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER #4530 ; WAL-MART STORES TEXAS, LLC INDIVIDUALLY AND /OR D/B/A WALMART SUPERCENTER# 4530; WAL-MART REALTY COMPANY INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER# 4530; WAL-MART ASSOCIATES, INC INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER# 4530.; WAL-MART REAL ESTATE BUSINESS TRUST INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER# 4530; EDWARD TAFOYA**

For Suit, said suit being numbered **DC-22-06210**, the nature of which demand is as follows:  
Suit on **OTHER PERSONAL INJURY** etc. as shown on said petition, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.  
Given under my hand and the Seal of said Court at office **on this the 23rd day of June, 2022**

ATTEST: FELICIA PITRE,  
Clerk of the District Courts of Dallas County, Texas

By *Gay Lane*, Deputy  
**GAY LANE**



**SANDRA LOYOLA**  
**vs.**  
**WALMART, INC., et al**

**ISSUED**  
on this the 23rd day of June, 2022

**FELICIA PITRE**  
Clerk District Courts,  
Dallas County, Texas

By: **GAY LANE**, Deputy

Attorney for Plaintiff  
**GABRIEL A RIVEROS**  
THE RIVEROS LAW FIRM PLLC  
1925 E BELT LINE RD  
STE 420  
CARROLTON TX 75006  
214-385-6607

**gabriel@riveroslawfirm.com**  
**DALLAS COUNTY  
SERVICE FEES  
NOT PAID**

**OFFICER'S RETURN**

Cause No. DC-22-06210

Court No.: 95th District Court

Style: SANDRA LOYOLA

vs.

WALMART, INC., et al

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_.M.  
Executed at \_\_\_\_\_, within the County of \_\_\_\_\_ at \_\_\_\_\_  
\_\_\_\_\_ o'clock \_\_\_\_\_.M. on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_,  
by \_\_\_\_\_ delivering to \_\_\_\_\_ the \_\_\_\_\_ within \_\_\_\_\_ named  
\_\_\_\_\_

each, in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by me in serving such process was \_\_\_\_\_ miles and my fees are as follows: To certify which witness my hand.

For serving Citation \$ \_\_\_\_\_

For mileage \$ \_\_\_\_\_ of \_\_\_\_\_ County, \_\_\_\_\_

For Notary \$ \_\_\_\_\_ By \_\_\_\_\_ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said \_\_\_\_\_ before me this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_\_, to certify which witness my hand and seal of office.

Notary Public \_\_\_\_\_ County \_\_\_\_\_

**TAB NO. 8**

To: **WALMART REALTY COMPANY, INDIVIDUALLY  
AND / OR D/B/A WALMART SUPERCENTER #4530  
BY SERVING ITS REGISTERED AGENT CT CORPORATION SYSTEM  
1999 BRYAN STREET, STE 900  
DALLAS TX 75201**

No.: **DC-22-06210**

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org. Your answer should be addressed to the clerk of the **95th District Court** at 600 Commerce Street, Dallas, Texas 75202.

Said Plaintiff being **SANDRA LOYOLA**

Filed in said Court **9th day of June, 2022** against

**WALMART, INC. INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER #4530 ; WAL-MART STORES TEXAS, LLC INDIVIDUALLY AND /OR D/B/A WALMART SUPERCENTER# 4530; WAL-MART REALTY COMPANY INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER# 4530; WAL-MART ASSOCIATES, INC INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER# 4530.; WAL-MART REAL ESTATE BUSINESS TRUST INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER# 4530; EDWARD TAFOYA**

For Suit, said suit being numbered **DC-22-06210**, the nature of which demand is as follows:  
Suit on **OTHER PERSONAL INJURY** etc. as shown on said petition, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.  
Given under my hand and the Seal of said Court at office **on this the 23rd day of June, 2022**

ATTEST: FELICIA PITRE,  
Clerk of the District Courts of Dallas County, Texas

By *Gay Lane*, Deputy  
**GAY LANE**



**SANDRA LOYOLA**  
**vs.**  
**WALMART, INC., et al**

**ISSUED**  
on this the 23rd day of June, 2022

**FELICIA PITRE**  
Clerk District Courts,  
Dallas County, Texas

By: **GAY LANE**, Deputy

Attorney for Plaintiff  
**GABRIEL A RIVEROS**  
THE RIVEROS LAW FIRM PLLC  
1925 E BELT LINE RD  
STE 420  
CARROLTON TX 75006  
214-385-6607

**gabriel@riveroslawfirm.com**  
**DALLAS COUNTY  
SERVICE FEES  
NOT PAID**

**OFFICER'S RETURN**

Cause No. DC-22-06210

Court No.: 95th District Court

Style: SANDRA LOYOLA

vs.

WALMART, INC., et al

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_.M.  
Executed at \_\_\_\_\_, within the County of \_\_\_\_\_ at \_\_\_\_\_  
\_\_\_\_\_ o'clock \_\_\_\_\_.M. on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_,  
by \_\_\_\_\_ delivering to \_\_\_\_\_ the \_\_\_\_\_ within \_\_\_\_\_ named  
\_\_\_\_\_

each, in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by me in serving such process was \_\_\_\_\_ miles and my fees are as follows: To certify which witness my hand.

For serving Citation \$ \_\_\_\_\_

For mileage \$ \_\_\_\_\_ of \_\_\_\_\_ County, \_\_\_\_\_

For Notary \$ \_\_\_\_\_ By \_\_\_\_\_ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said \_\_\_\_\_ before me this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_\_, to certify which witness my hand and seal of office.

Notary Public \_\_\_\_\_ County \_\_\_\_\_

**TAB NO. 9**

## THE STATE OF TEXAS

To: WALMART ASSOCIATES INC, INDIVIDUALLY AND / OR D/B/A WALMART SUPERCENTER #4530 BY SERVING ITS REGISTERED AGENT CT CORPORATION SYSTEM 1999 BRYAN STREET, STE 900 DALLAS TX 75201

## GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org. Your answer should be addressed to the clerk of the **95th District Court** at 600 Commerce Street, Dallas, Texas 75202.

Said Plaintiff being **SANDRA LOYOLA**

Filed in said Court **9th day of June, 2022** against

**WALMART, INC. INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER #4530 ; WAL-MART STORES TEXAS, LLC INDIVIDUALLY AND /OR D/B/A WALMART SUPERCENTER# 4530; WAL-MART REALTY COMPANY INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER# 4530; WAL-MART ASSOCIATES, INC INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER# 4530.; WAL-MART REAL ESTATE BUSINESS TRUST INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER# 4530; EDWARD TAFOYA**

For Suit, said suit being numbered **DC-22-06210**, the nature of which demand is as follows:  
Suit on **OTHER PERSONAL INJURY** etc. as shown on said petition, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.  
Given under my hand and the Seal of said Court at office **on this the 23rd day of June, 2022**

ATTEST: FELICIA PITRE,  
Clerk of the District Courts of Dallas County, Texas

By *Gay Lane*, Deputy  
**GAY LANE**




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## CITATION

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No.: **DC-22-06210**

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**SANDRA LOYOLA**  
vs.  
**WALMART, INC., et al**

---

**ISSUED**  
on this the 23rd day of June, 2022

**FELICIA PITRE**  
Clerk District Courts,  
Dallas County, Texas

By: **GAY LANE**, Deputy

Attorney for Plaintiff  
**GABRIEL A RIVEROS**  
THE RIVEROS LAW FIRM PLLC  
1925 E BELT LINE RD  
STE 420  
CARROLTON TX 75006  
214-385-6607  
gabriel@riveroslawfirm.com  
**DALLAS COUNTY**  
**SERVICE FEES**  
**NOT PAID**

OFFICER'S RETURN

Cause No. DC-22-06210

Court No.: 95th District Court

Style: SANDRA LOYOLA

vs.

WALMART, INC., et al

Came to hand on the 1<sup>st</sup> day of July, 2022, at 5:00 o'clock P.M.  
Executed at 1999 Bryan St Dallas Tx, within the County of Dallas at  
250 o'clock P.M. on the 5 day of July, 2022,  
by delivering to the within named  
Walmart associates inc.  
BSPA Ct Corp system

each, in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by me in serving such process was \_\_\_\_\_ miles and my fees are as follows: To certify which witness my hand.

For serving Citation \$ \_\_\_\_\_

Patrice J. Halstead 0023 0-20

For mileage \$ \_\_\_\_\_

of \_\_\_\_\_ County, \_\_\_\_\_

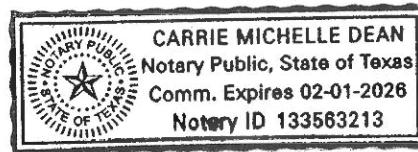
For Notary \$ \_\_\_\_\_

By \_\_\_\_\_ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said Patrice Halstead before me this 7<sup>th</sup> day of July,  
20 22, to certify which witness my hand and seal of office.

Carrie M. Dean  
Notary Public Dallas County Texas



**Automated Certificate of eService**

This automated certificate of service was created by the efiling system. The filer served this document via email generated by the efiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 66209938

Status as of 7/13/2022 9:53 AM CST

Associated Case Party: SANDRA LOYOLA

Name	BarNumber	Email	TimestampSubmitted	Status
GABRIELA RIVEROS		gabriel@riveroslawfirm.com	7/11/2022 5:05:08 PM	SENT

**TAB NO. 10**

## THE STATE OF TEXAS

To: WALMART REALTY COMPANY, INDIVIDUALLY AND / OR D/B/A WALMART SUPERCENTER #4530 BY SERVING ITS REGISTERED AGENT CT CORPORATION SYSTEM 1999 BRYAN STREET, STE 900 DALLAS TX 75201

## GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org. Your answer should be addressed to the clerk of the **95th District Court** at 600 Commerce Street, Dallas, Texas 75202.

Said Plaintiff being **SANDRA LOYOLA**

Filed in said Court **9th day of June, 2022** against

**WALMART, INC. INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER #4530 ; WAL-MART STORES TEXAS, LLC INDIVIDUALLY AND /OR D/B/A WALMART SUPERCENTER# 4530; WAL-MART REALTY COMPANY INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER# 4530; WAL-MART ASSOCIATES, INC INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER# 4530.; WAL-MART REAL ESTATE BUSINESS TRUST INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER# 4530; EDWARD TAFOYA**

For Suit, said suit being numbered **DC-22-06210**, the nature of which demand is as follows:  
Suit on **OTHER PERSONAL INJURY** etc. as shown on said petition, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.  
Given under my hand and the Seal of said Court at office **on this the 23rd day of June, 2022**

ATTEST: FELICIA PITRE,  
Clerk of the District Courts of Dallas County, Texas

By *Gay Lane*, Deputy  
**GAY LANE**



ESERVE  
**CITATION**

No.: **DC-22-06210**

**SANDRA LOYOLA**  
vs.  
**WALMART, INC., et al**

**ISSUED**  
on this the **23rd** day of **June, 2022**

**FELICIA PITRE**  
Clerk District Courts,  
Dallas County, Texas

By: **GAY LANE**, Deputy

Attorney for Plaintiff  
**GABRIEL A RIVEROS**  
THE RIVEROS LAW FIRM PLLC  
1925 E BELT LINE RD  
STE 420  
CARROLTON TX 75006  
214-385-6607  
gabriel@riveroslawfirm.com  
**DALLAS COUNTY**  
**SERVICE FEES**  
**NOT PAID**

OFFICER'S RETURN

Cause No. DC-22-06210

Court No.: 95th District Court

Style: SANDRA LOYOLA

vs.

WALMART, INC., et al

Came to hand on the 1st day of July, 2022, at 5:00 o'clock P.M.  
Executed at 1999 Bryan St Dallas Tx, within the County of Dallas at  
250 o'clock P.M. on the 5 day of July, 2022,  
by delivering to the within named  
walmart realty company  
BSRA ct Corp system

each, in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by me in serving such process was \_\_\_\_\_ miles and my fees are as follows: To certify which witness my hand.

For serving Citation \$ \_\_\_\_\_

Patrise Halstead 11623 8-20

For mileage \$ \_\_\_\_\_

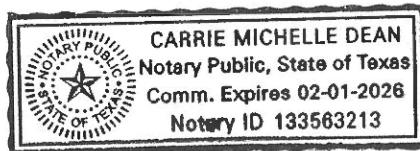
of \_\_\_\_\_ County, \_\_\_\_\_

For Notary \$ \_\_\_\_\_

By \_\_\_\_\_ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said Patrise Halstead before me this 7th day of July,  
20\_\_\_\_\_, to certify which witness my hand and seal of office.



Carrie M. Dean  
Notary Public Dallas County Texas

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Envelope ID: 66210258

Status as of 7/13/2022 9:55 AM CST

Associated Case Party: SANDRA LOYOLA

Name	BarNumber	Email	TimestampSubmitted	Status
GABRIELA RIVEROS		gabriel@riveroslawfirm.com	7/11/2022 5:10:00 PM	SENT

**TAB NO. 11**

FORM NO. 353-3—CITATION  
THE STATE OF TEXAS

Case 3:22-cv-01698-L Document 1-3 Filed 08/04/22 Page 48 of 72 PageID 59

FILED  
7/11/2022 5:14 PM  
FELICIA PITRE  
DISTRICT CLERK  
DALLAS CO., TEXAS  
SADAFA RAJPUT DEPUTY

ESERVE  
**CITATION**

To: WAL-MART STORES TEXAS, LLC INDIVIDUALLY AND /OR D/B/A  
WALMART SUPERCENTER# 4530  
BY SERVING ITS REGISTERED AGENT CT CORPORATION SYSTEM  
1999 BRYAN STREET, STE 900  
DALLAS TX 75201

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org. Your answer should be addressed to the clerk of the **95th District Court** at 600 Commerce Street, Dallas, Texas 75202.

Said Plaintiff being **SANDRA LOYOLA**

Filed in said Court **9th day of June, 2022** against

**WALMART, INC. INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER #4530 ; WAL-MART STORES TEXAS, LLC INDIVIDUALLY AND /OR D/B/A WALMART SUPERCENTER# 4530; WAL-MART REALTY COMPANY INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER# 4530; WAL-MART ASSOCIATES, INC INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER# 4530.; WAL-MART REAL ESTATE BUSINESS TRUST INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER# 4530; EDWARD TAFOYA**

For Suit, said suit being numbered **DC-22-06210**, the nature of which demand is as follows:  
Suit on **OTHER PERSONAL INJURY** etc. as shown on said petition, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.  
Given under my hand and the Seal of said Court at office **on this the 23rd day of June, 2022**

ATTEST: FELICIA PITRE,  
Clerk of the District Courts of Dallas County, Texas

By *Gay Lane*, Deputy  
**GAY LANE**



No.: **DC-22-06210**

**SANDRA LOYOLA**  
vs.  
**WALMART, INC., et al**

**ISSUED**  
on this the 23rd day of June, 2022

**FELICIA PITRE**  
Clerk District Courts,  
Dallas County, Texas

By: **GAY LANE**, Deputy

Attorney for Plaintiff  
**GABRIEL A RIVEROS**  
THE RIVEROS LAW FIRM PLLC  
1925 E BELT LINE RD  
STE 420  
CARROLTON TX 75006  
214-385-6607  
gabriel@riveroslawfirm.com  
**DALLAS COUNTY**  
**SERVICE FEES**  
**NOT PAID**

OFFICER'S RETURN

Cause No. DC-22-06210

Court No.: 95th District Court

Style: SANDRA LOYOLA

vs.

WALMART, INC., et al

Came to hand on the 1<sup>st</sup> day of July, 2022, at 5:05 o'clock P.M.  
Executed at 1999 Bryan St Dallas Tx, within the County of Dallas at  
250 o'clock pm .M. on the 5 day of July, 2022,  
by delivering to the within named  
walmart stores Texas Inc.  
BSPN Ct Corp system

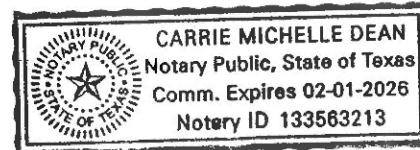
each, in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by me in serving such process was \_\_\_\_\_ miles and my fees are as follows: To certify which witness my hand.

For serving Citation \$ Patrice J. Halselad 11623 8-23  
For mileage \$ \_\_\_\_\_ of \_\_\_\_\_ County, \_\_\_\_\_  
For Notary \$ \_\_\_\_\_ By \_\_\_\_\_ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said Patrice Halselad before me this 7 day of July,  
20 22, to certify which witness my hand and seal of office.

Carrie M Dean  
Notary Public Dallas County Texas



**Automated Certificate of eService**

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Envelope ID: 66210469

Status as of 7/13/2022 9:57 AM CST

Associated Case Party: SANDRA LOYOLA

Name	BarNumber	Email	TimestampSubmitted	Status
GABRIELA RIVEROS		gabriel@riveroslawfirm.com	7/11/2022 5:14:53 PM	SENT

**TAB NO. 12**

FORM NO. 353-3—CITATION  
THE STATE OF TEXAS

Case 3:22-cv-01698-L Document 1-3 Filed 08/04/22 Page 52 of 72 PageID 63

FILED  
7/11/2022 5:18 PM  
FELICIA PITRE  
DISTRICT CLERK  
DALLAS CO., TEXAS  
SADAFA RAJPUT DEPUTY

ESERVE  
**CITATION**

To: WALMART INC. INDIVIDUALLY AND / OR D/B/A WALMART SUPERCENTER #4530  
BY SERVING ITS REGISTERED AGENT CT CORPORATION SYSTEM  
1999 BRYAN STREET, STE 900  
DALLAS TX 75201

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org. Your answer should be addressed to the clerk of the **95th District Court** at 600 Commerce Street, Dallas, Texas 75202.

Said Plaintiff being **SANDRA LOYOLA**

Filed in said Court **9th day of June, 2022** against

**WALMART, INC. INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER #4530 ; WAL-MART STORES TEXAS, LLC INDIVIDUALLY AND/OR D/B/A WALMART SUPERCENTER# 4530; WAL-MART REALTY COMPANY INDIVIDUALLY AND/OR D/B/A WALMART SUPERCENTER# 4530; WAL-MART ASSOCIATES, INC INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER# 4530.; WAL-MART REAL ESTATE BUSINESS TRUST INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER# 4530; EDWARD TAFOYA**

For Suit, said suit being numbered **DC-22-06210**, the nature of which demand is as follows:  
Suit on **OTHER PERSONAL INJURY** etc. as shown on said petition, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.  
Given under my hand and the Seal of said Court at office **on this the 23rd day of June, 2022**

ATTEST: FELICIA PITRE,  
Clerk of the District Courts of Dallas County, Texas

By *Gay Lane*, Deputy  
**GAY LANE**



No.: **DC-22-06210**

**SANDRA LOYOLA**  
vs.  
**WALMART, INC., et al**

**ISSUED**  
on this the 23rd day of June, 2022

**FELICIA PITRE**  
Clerk District Courts,  
Dallas County, Texas

By: **GAY LANE**, Deputy

Attorney for Plaintiff  
**GABRIEL A RIVEROS**  
THE RIVEROS LAW FIRM PLLC  
1925 E BELT LINE RD  
STE 420  
CARROLTON TX 75006  
214-385-6607  
gabriel@riveroslawfirm.com  
**DALLAS COUNTY**  
**SERVICE FEES**  
**NOT PAID**

OFFICER'S RETURN

Cause No. DC-22-06210

Court No.: 95th District Court

Style: SANDRA LOYOLA

vs.

WALMART, INC., et al

Came to hand on the 1st day of July, 2022, at 5:06 o'clock P.M.  
Executed at 1999 Wynn st dallas tx, within the County of dallas at  
250 o'clock P.M. on the 5 day of July, 2022,  
by delivering to the within named  
walmart inc. BSA ct corp system.

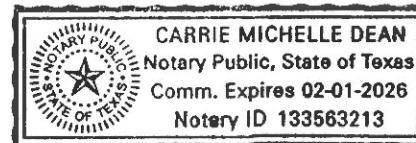
each, in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by me in serving such process was \_\_\_\_\_ miles and my fees are as follows: To certify which witness my hand.

For serving Citation \$ Patrice J. Halsleas 1623 8-22  
For mileage \$ \_\_\_\_\_ of \_\_\_\_\_ County, \_\_\_\_\_  
For Notary \$ \_\_\_\_\_ By \_\_\_\_\_ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said Patrice Halsleas before me this 5th day of July,  
2022, to certify which witness my hand and seal of office.

Carrie M. Dean  
Notary Public Dallas County Texas



**Automated Certificate of eService**

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Envelope ID: 66210682

Status as of 7/13/2022 10:01 AM CST

Associated Case Party: SANDRA LOYOLA

Name	BarNumber	Email	TimestampSubmitted	Status
GABRIELA RIVEROS		gabriel@riveroslawfirm.com	7/11/2022 5:18:31 PM	SENT

**TAB NO. 13**

FORM NO. 353-3—CITATION  
THE STATE OF TEXAS

Case 3:22-cv-01698-L

Document 1-3 Filed 08/04/22 Page 56 of 72 PageID 67

FILED  
7/11/2022 5:32 PM  
FELICIA PITRE  
DISTRICT CLERK  
DALLAS CO., TEXAS  
ESERVE SADA RAJPUT DEPUTY

ESERVE  
**CITATION**

To: WAL-MART REAL ESTATE BUSINESS TRUST INDIVIDUALLY AND /OR  
D/B/A WALMART SUPERCENTER# 4530  
BY SERVING ITS REGISTERED AGENT CT CORPORATION SYSTEM  
1999 BRYAN STREET, STE 900  
DALLAS TX 75201

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org. Your answer should be addressed to the clerk of the **95th District Court** at 600 Commerce Street, Dallas, Texas 75202.

Said Plaintiff being **SANDRA LOYOLA**

Filed in said Court **9th day of June, 2022** against

**WALMART, INC. INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER #4530 ; WAL-MART STORES TEXAS, LLC INDIVIDUALLY AND /OR D/B/A WALMART SUPERCENTER# 4530; WAL-MART REALTY COMPANY INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER# 4530; WAL-MART ASSOCIATES, INC INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER# 4530.; WAL-MART REAL ESTATE BUSINESS TRUST INDIVIDUALLY AND/ OR D/B/A WALMART SUPERCENTER# 4530; EDWARD TAFOYA**

For Suit, said suit being numbered **DC-22-06210**, the nature of which demand is as follows:  
Suit on **OTHER PERSONAL INJURY** etc. as shown on said petition, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.  
Given under my hand and the Seal of said Court at office **on this the 23rd day of June, 2022**

ATTEST: FELICIA PITRE,  
Clerk of the District Courts of Dallas County, Texas

By *Gay Lane*, Deputy  
**GAY LANE**



No.: **DC-22-06210**

**SANDRA LOYOLA**  
vs.  
**WALMART, INC., et al**

**ISSUED**  
on this the 23rd day of June, 2022

**FELICIA PITRE**  
Clerk District Courts,  
Dallas County, Texas

By: **GAY LANE**, Deputy

Attorney for Plaintiff  
**GABRIEL A RIVEROS**  
THE RIVEROS LAW FIRM PLLC  
1925 E BELT LINE RD  
STE 420  
CARROLTON TX 75006  
214-385-6607  
gabriel@riveroslawfirm.com  
**DALLAS COUNTY**  
**SERVICE FEES**  
**NOT PAID**

OFFICER'S RETURN

Cause No. DC-22-06210

Court No.: 95th District Court

Style: SANDRA LOYOLA

vs.

WALMART, INC., et al

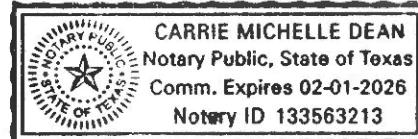
Came to hand on the 1st day of July, 2022, at 5:05 o'clock P M.  
Executed at 1999 Bryan st dallas tx, within the County of dallas at  
250 o'clock 8 M. on the 3 day of july, 2022,  
by wal-mart real estate business trust delivering to B&R the within  
ct Corp system named

each, in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by me in serving such process was \_\_\_\_\_ miles and my fees are as follows: To certify which witness my hand.

For serving Citation \$ Pattise J. Hotslead 11623 8-22  
For mileage \$ \_\_\_\_\_ of \_\_\_\_\_ County, \_\_\_\_\_  
For Notary \$ \_\_\_\_\_ By \_\_\_\_\_ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said Pattise Hotslead before me this 17th day of July,  
20 \_\_\_\_\_, to certify which witness my hand and seal of office.



Carrie M. Dean  
Notary Public Dallas County Texas

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Envelope ID: 66211359

Status as of 7/14/2022 9:33 AM CST

Associated Case Party: SANDRA LOYOLA

Name	BarNumber	Email	TimestampSubmitted	Status
GABRIELA RIVEROS		gabriel@riveroslawfirm.com	7/11/2022 5:32:33 PM	SENT

**TAB NO. 14**



**JAMES N. KURITZKES**  
Attorney at Law

214-712-9532  
James.Kuritzkes@CooperScully.com

August 2, 2022

Clerk of Court  
95th District Court  
George L. Allen, Sr. Courts Building  
600 Commerce Street Box 640  
Dallas, TX 75202

Re: *Sandra Loyola v. WalMart, Inc., et al.*  
Cause No. DC-22-06210  
In the 95<sup>th</sup> Judicial District Court, Dallas County, Texas

Dear Madam Clerk:

Enclosed for filing, please find an Original Answer for Defendant Wal-Mart Stores of Texas.<sup>1</sup> A good faith attempt was made to file the Answer prior to 10:00 AM on August 1, 2022 via the statewide e-File system. However, due to a statewide outage of the system, it was not possible to meet that deadline.

Pursuant to the alternative service methods allowed under Tex. R. Civ. P. 21(6) and 21a the Answer was served on opposing counsel and the Court shortly after the 10:00 AM deadline on August 1, 2022. A copy of the email transmitting the Answer is also enclosed with this letter.

Please do not hesitate to contact me with any questions.

Very Truly Yours,

/s/ James N. Kuritzkes

James N. Kuritzkes

cc: Gabriel A. Riveros  
The Riveros Law Firm  
1925 E. Belt Line Road, Suite 420  
Carrollton, Texas 75006

JNK/hms

---

<sup>1</sup> In the Petition, Defendant Wal-Mart Stores of Texas was incorrectly named as the following entities: WALMART, INC., Individually and/or d/b/a WALMART SUPERCENTER #4503, WAL-MART STORES TEXAS, LLC, Individually and/or d/b/a WALMART SUPERCENTER #4503, WAL-MART REALTY COMPANY, Individually and/or d/b/a WALMART SUPERCENTER #4503, WAL-MART ASSOCIATES, INC., Individually and/or d/b/a WALMART SUPERCENTER #4503, WALMARTREAL ESTATE BUSINESS TRUST, Individually and/or d/b/a WALMART SUPERCENTER #4503

**Kuritzkes, James**

---

**From:** Kuritzkes, James  
**Sent:** Monday, August 1, 2022 10:06 AM  
**To:** 'gabriel@rvieroslawfirm.com'  
**Cc:** Savant, Heather; 'kalonzo@dallascourts.org'  
**Subject:** DC-22-06210 | Loyal v. Wal Mart, et al.  
**Attachments:** 2022.8.1 - Wal Mart's Original Answer-c.pdf

Gabriel,

The efile portal is currently down as they are migrating to the new system. Pursuant to TRCP 21a, please accept service of Defendant Wal-Mart's Original Answer

Madam clerk, please note that a good faith attempt was made to file the Answer prior to 10am this morning, but timely filing was prevented by technological difficulties with the efile system.

**Automated Certificate of eService**

This automated certificate of service was created by the efiling system. The filer served this document via email generated by the efiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Heather Savant on behalf of Derek Davis

Bar No. 793591

heather.savant@cooperscully.com

Envelope ID: 66874281

Status as of 8/2/2022 11:38 AM CST

Associated Case Party: SANDRA LOYOLA

Name	BarNumber	Email	TimestampSubmitted	Status
GABRIELA RIVEROS		gabriel@riveroslawfirm.com	8/2/2022 10:55:01 AM	SENT

**Automated Certificate of eService**

This automated certificate of service was created by the efiling system. The filer served this document via email generated by the efiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Heather Savant on behalf of Derek Davis

Bar No. 793591

heather.savant@cooperscully.com

Envelope ID: 66874281

Status as of 8/2/2022 11:38 AM CST

Associated Case Party: WAL-MART STORES TEXAS, LLC

Name	BarNumber	Email	TimestampSubmitted	Status
Kim Denton		kim.denton@cooperscully.com	8/2/2022 10:55:01 AM	SENT
James Kuritzkes		james.kuritzkes@cooperscully.com	8/2/2022 10:55:01 AM	SENT
Heather Savant		heather.savant@cooperscully.com	8/2/2022 10:55:01 AM	SENT

**TAB NO. 15**

**CAUSE NO. DC-22-06210**

**SANDRA LOYOLA**  
**PLAINTIFF,**

V.

**WALMART, INC., Individually and/  
or d/b/a WALMART  
SUPERCENTER #4503, WAL-MART  
STORES TEXAS, LLC, Individually  
and/or d/b/a WALMART  
SUPERCENTER #4503, WAL-MART  
REALTY COMPANY, Individually  
and/or d/b/a WALMART  
SUPERCENTER #4503, WAL-MART  
ASSOCIATES, INC., Individually  
and/or d/b/a WALMART  
SUPERCENTER #4503 , WALMART  
REAL ESTATE BUSINESS  
TRUST, Individually and/or d/b/a  
WALMART SUPERCENTER #4503  
and EDWARD TAFOYA,  
DEFENDANTS.**

**IN THE DISTRICT COURT**

## **95<sup>TH</sup> JUDICIAL DISTRICT**

## **DALLAS COUNTY, TEXAS**

**DEFENDANT WAL-MART STORES TEXAS, LLC'S  
ORIGINAL ANSWER TO PLAINTIFF'S ORIGINAL PETITION**

**TO THE HONORABLE JUDGE OF SAID COURT:**

**COMES NOW, WAL-MART STORES TEXAS, LLC (incorrectly named WALMART, INC., Individually and/or d/b/a WALMART SUPERCENTER #4503, WAL-MART STORES TEXAS, LLC, Individually and/or d/b/a WALMART SUPERCENTER #4503, WAL-MART REALTY COMPANY, Individually and/or d/b/a WALMART SUPERCENTER #4503, WAL-MART ASSOCIATES, INC., Individually and/or d/b/a WALMART SUPERCENTER #4503 , WALMARTREAL ESTATE BUSINESS TRUST, Individually and/or d/b/a WALMART SUPERCENTER #4503) (“Defendant” in the above-styled and numbered cause, and files this Original Answer to Plaintiff’s Original Petition, and in support hereof would respectfully show**

the Court the following.

**I.**  
**GENERAL DENIAL**

1. Defendant denies each and every, all and singular, the material allegations made and contained in the Original Petition and any petition which Plaintiff may hereinafter file by way of amendment or supplement, and, in accordance with Texas law, demands that Plaintiff prove by a preponderance of the credible evidence each and every such allegation made and contained therein, or the prevailing standard of proof required by applicable law.

**II.**  
**AFFIRMATIVE DEFENSES**

2. Pleading further, and in the affirmative, Defendant asserts the doctrine of comparative causation as set forth in Chapter 33 of the TEXAS CIVIL PRACTICE & REMEDIES CODE, which may bar any recovery by Plaintiff, or may in the alternative reduce the amount of recovery by Plaintiff based on the Plaintiff's own percentage of fault.

3. Pleading further, if necessary, Plaintiff failed to mitigate Plaintiff's damages which may have resulted from the occurrence made the basis of this lawsuit.

4. In the alternative, and without waiving the foregoing, Defendant affirmatively pleads the defense set forth in TEXAS CIVIL PRACTICE & REMEDIES CODE § 18.091, requiring Plaintiff to prove Plaintiff's loss of earning and/or loss of earning capacity in the form which represents Plaintiff's net loss after reduction for income tax payments or unpaid tax liability on said loss or earning claim pursuant to any federal income tax law. *Id.* Additionally, Defendant requests the Court to instruct the jury as to whether any recovery for compensatory damages sought by the Plaintiff, if any, is subject to federal to state income taxes.

5. Additionally, to the extent Plaintiff's medical expenses exceed the amount actually paid on Plaintiff's behalf to Plaintiff's medical providers, Defendant asserts the statutory

defense set forth in § 41.0105 of the TEXAS CIVIL PRACTICE & REMEDIES CODE. Thus, recovery of medical or health care expenses incurred by Plaintiff, if any, are limited to the amount actually paid or incurred by or on behalf of Plaintiff.

6. Pleading further, Defendant would show that it is entitled to a credit or offset equal to the amount of any and all sums that the Plaintiff has received, or may hereinafter receive, by way of settlement with any person or party. Alternatively, pursuant to Rule 48 of the TEXAS RULES OF CIVIL PROCEDURE, Defendant contends that it is entitled to a proportionate reduction of any damages found against it based upon the percentage of negligence attributable to the settling tortfeasor, cross claimant, designated third party, or other party to this case.

7. Pleading further, and in the affirmative, Defendant alleges Plaintiff's claims for pre-judgment interest are limited by the dates and amounts set forth in § 304.101 of the TEXAS FINANCE CODE and § 41.007 of the TEXAS CIVIL PRACTICE & REMEDIES CODE.

8. Pleading further, and in the affirmative, Defendant invokes §41.0105 of the TEXAS CIVIL PRACTICE & REMEDIES CODE concerning Plaintiff's claim for the recovery of health care expenses and other related damages, past and future.

9. Pleading further, and in the affirmative, Defendant asserts the doctrine of proportionate responsibility of TEXAS CIVIL PRACTICE & REMEDIES CODE Chapter 33, which may bar any recovery by Plaintiff, or may in the alternative, reduce the amount of recovery by Plaintiff based on Plaintiff's own percentage of fault.

10. Pleading further, and in the affirmative, Defendant would show that the alleged occurrence made the basis of this lawsuit was the result of circumstances and/or events that were not of Defendant's own creation. Defendant would further show that it acted just as a similar situated reasonable premises owner would have acted under the same or similar circumstances

surrounding the matters made the basis of this lawsuit.

11. Pleading further, and in the affirmative, Defendant alleges that the injuries and damages alleged by Plaintiff may be due to Plaintiff's own negligence and recklessness in that Plaintiff's failure to exercise ordinary care proximately caused, in whole or in part, the alleged injuries and damages complained of by Plaintiff. Plaintiff's acts and omissions, whether taken together or separately, may be the sole proximate cause, or a proximate cause of the injuries and damages Plaintiff has alleged in this lawsuit. Any recovery by Plaintiff is therefore barred, or alternatively should be reduced in accordance with the applicable law.

12. Pleading further, and in the affirmative, the injuries pled by Plaintiff may have been caused, in whole or in part, by superseding and/or intervening causes, including preexisting conditions and/or injuries and subsequently occurring injuries and/or conditions that were not Defendant's own creation.

13. Pleading further, if necessary, Plaintiff's claims may have been caused by an unavoidable accident, Act of God, or an occurrence without any fault on the part of Defendant.

14. Pleading further and in the alternative, Defendant alleges that any claims for or recovery of exemplary damages against it violates the Fifth, Eighth, and Fourteenth Amendments to the United States Constitution, and Sections 3, 13 and 19 of Article I of the Texas Constitution, because such claims as made are arbitrary, unreasonable, and violate Defendant's rights to due process and equal protection of the laws.

15. Pleading further and in the alternative, to the extent any recovery of exemplary damages is found to be constitutional, Defendant invokes all the limitations upon damages and exemplary damages contained in Chapter 41 of the Texas Civil Practice & Remedies Code, both in terms of the maximum amount of damages that can be awarded pursuant to that statute and the

procedural safeguards guaranteed by the referenced provisions.

16. Pleading further and in the alternative, Defendant also invokes all other applicable state law, federal law, statutory and/or common-law caps or limitations on exemplary damages.

17. Pleading further and in the alternative, Defendant affirmatively asserts that Plaintiff did not exercise due diligence to effectively “bring suit” within the two-year time statute of limitation period prescribed by Chapter 16 of the Texas Civil Practice & Remedies Code. *See also Grant v. DeLeon*, 786 S.W.2d 259, 260 (Tex. 1990).

**III.**  
**NOTICE OF INTENT**

18. Defendant further places Plaintiff on notice pursuant to TEXAS RULE OF CIVIL PROCEDURE 193.7 that may use in pretrial proceedings or at trial any and all documents and tangible things produced in discovery by plaintiff.

**IV.**  
**DEMAND FOR JURY TRIAL**

19. In accordance with Rule 216 of the TEXAS RULES OF CIVIL PROCEDURE, Defendant hereby demands a trial by jury.

**WHEREFORE, PREMISES CONSIDERED**, Defendant prays that Plaintiff take nothing by this suit against Defendant, that Defendant be discharged, and that the Court grant such other and further relief, both general and special, at law and in equity to which Defendant may be justly entitled.

Respectfully submitted,

**COOPER & SCULLY, P.C.**

By: /s/ James N. Kuritzkes

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**ATTORNEYS FOR DEFENDANT  
WAL-MART STORES TEXAS, LLC**

**CERTIFICATE OF SERVICE**

I hereby certify that on the 1<sup>st</sup> day of August, 2022, a true and correct copy of the foregoing document was served on counsel of record *via* the Court's ECF filing service as follows:

**Gabriel A. Riveros**

The Riveros Law Firm, PLLC

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Email: Gabriel@riveroslawfirm.com

**ATTORNEY FOR PLAINTIFF**

/s/ Derek S. Davis

**DEREK S. DAVIS**

**Automated Certificate of eService**

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Heather Savant on behalf of Derek Davis

Bar No. 793591

heather.savant@cooperscully.com

Envelope ID: 66874281

Status as of 8/2/2022 11:38 AM CST

Associated Case Party: SANDRA LOYOLA

Name	BarNumber	Email	TimestampSubmitted	Status
GABRIELA RIVEROS		gabriel@riveroslawfirm.com	8/2/2022 10:55:01 AM	SENT

**Automated Certificate of eService**

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Heather Savant on behalf of Derek Davis

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heather.savant@cooperscully.com

Envelope ID: 66874281

Status as of 8/2/2022 11:38 AM CST

Associated Case Party: WAL-MART STORES TEXAS, LLC

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Kim Denton		kim.denton@cooperscully.com	8/2/2022 10:55:01 AM	SENT
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Heather Savant		heather.savant@cooperscully.com	8/2/2022 10:55:01 AM	SENT